



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

JUN - 3 2016

Northwest Arkansas Regional Planning Commission
1311 Clayton Street
Springdale, Arkansas 72762

Honorable Members of the Northwest Arkansas Intergovernmental Working Group:

Thank you for your letter to the U.S. Environmental Protection Agency (EPA) expressing your interest in the protection and restoration of the Illinois River Watershed. We appreciate the concerns your Workgroup has identified.

We welcome all stakeholder comments provided before and during the formal public participation process. The Agency's release of various modeling reports, our provision of training to the project's Principals and our overall engagement with the broad spectrum of stakeholders reflects EPA's recognition of the significant public interest in our model development efforts.

As the Agency continues its efforts to develop and refine the Illinois River and Lake Tenkiller models (in collaboration with the Cherokee Nation and agencies in both Oklahoma and Arkansas), we remain fully committed to the use of sound science and appropriate modeling methodologies. Ultimately, our intent is to provide our regulatory partner agencies a set of models supported by a rigorous technical basis for the eventual development of total maximum daily loads, wasteloads and load allocations for the watershed.

We appreciate your sharing with us an abridged set of comments which are of particular concern to the Northwest Arkansas Intergovernmental Workgroup. The first among those comments was a concern that the models *"do not account for the Northwest Arkansas Conservation Authority (NACA) wastewater treatment plant"* which *"has been in operation for more than five years."* We agree that NACA represents a substantial investment in water quality by the communities in northwest Arkansas, and the effects of NACA will be considered in load reduction scenario model runs. EPA notes that the NACA facility is not part of the model calibration runs because the facility was not operational during the time period.

Your second enumerated comment asserts *"It is imperative that the models give credit to cities in Northwest Arkansas for wastewater treatment plants that are discharging less phosphorus than a decade ago."* Your third comment further notes that *"Cities in Northwest Arkansas could have delayed wastewater treatment improvements until after the TMDL models were complete and after a total phosphorus TMDL was known. Instead, the cities chose the right path, continuing to reduce phosphorus discharges into streams over the past several years."* As part of our scenario modeling process, EPA does intend to give credit to cities in northwest Arkansas for their efforts to reduce phosphorus discharges by accounting for wastewater treatment plants' upgrades and improvements which occurred after the timeframe considered for model calibration purposes.

Another comment states “There are significant inaccuracies regarding assumptions about poultry litter, nitrogen fertilizers, legacy phosphorus, hydrology, underground springs and land use. . . . the lake model does not accurately reflect the drought conditions or nutrient inputs in 2005 and 2006. If left as is, that inaccuracy and other inaccuracies will cause the models and model scenarios to be hopelessly skewed.” The Agency is aware of these and similar concerns expressed by others, and we are committed to addressing such concerns through a series of collaborative meetings with technical representatives from several Arkansas and Oklahoma agencies, as well as from the Cherokee Nation. Through these meetings, the models have been and are continuing to be refined to a degree where we are confident that they will accurately represent the system and be useful for informing regulatory and non-regulatory decisions. For example, the Lake Tenkiller model is being revised to address comments regarding dissolved oxygen and thermal profiles to better represent the system.

In your final comment, you express concern that the models may contain “inaccuracies regarding septic tanks, and the nutrient inputs of wild animals and cattle. Each of these must be accounted for in the fullest way possible to ensure that all sources of nutrients are included in the models and characterized appropriately.” We appreciate your concern and have identified these issues for discussion with our technical working group that is helping us to evaluate comments concerning the models and to consider any needed revisions. Thus far, we have convened two very productive meetings of the group which includes, among many others, Dr. Brian Haggard and Dr. Thad Scott, in addition to representatives from the Arkansas Department of Environmental Quality and the Arkansas Natural Resources Conservation Commission. These meetings have already yielded some revisions to our models and answers to some of the questions raised by commenters. Our next meeting with the technical working group is slated for the last week in June.


In conclusion, we agree that our efforts to develop Illinois River Watershed and Lake Tenkiller models are important to many potentially affected stakeholders, including members of the Northwest Arkansas Intergovernmental Workgroup. As EPA continues to evaluate the models against existing data and to make appropriate adjustments, we are focusing on ensuring the representativeness and utility of the models. If you have any questions, please feel free to contact Richard Wooster at (214) 665-6473, or Dr. Taimur Shaikh at (214) 665-7181.

Sincerely,



William K. Honker, P.E.
Director
Water Division

William K. Honker
Director



Regional
Planning
Commission

NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION

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March 14, 2016

Mr. William K. Honker, P.E., Director (6WQ)
Water Quality Protection Division
US Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

RE: Watershed Models, Illinois River and Lake Tenkiller
TMDL for Total Phosphorus

Dear Mr. Honker:

The purpose of this correspondence is to express deep concerns of the Northwest Arkansas Intergovernmental Working Group (hereinafter "Northwest Arkansas") regarding the watershed models for the Illinois River and Lake Tenkiller recently released by the U.S. Environmental Protection Agency to the States of Oklahoma and Arkansas for review and training. Northwest Arkansas understands this letter is not in response to a public notice/hearing. However, we feel strongly that we need to communicate our concerns directly. We do intend to respond to public input periods as appropriate.

Our working group's members include Benton County, Washington County, and the cities of Bentonville, Fayetteville, Rogers, and Springdale, all located in Northwest Arkansas. Established in 2010 at the recommendation of now-U.S. Congressman Steve Womack who was mayor of Rogers at the time, our group formed to address water quality issues that affect Northwest Arkansas in a timely, efficient and regional manner while safeguarding our economy and environmental assets. As such, Northwest Arkansas has closely monitored the review and training performed for these models and has significant concerns regarding the viability of the models. Northwest Arkansas desires the use of the most scientifically accurate and practical models.

Northwest Arkansas collectively asks that all feedback from all parties be given the utmost consideration by the EPA. Every comment, no matter how seemingly small, matters greatly in our view. Northwest Arkansas wants to ensure that final decisions regarding permit limits, permit requirements and other improvements within the watersheds are based on sound science and that resources are expended properly to achieve the goals of all parties involved. Misdirected resources based on poor decisions or inaccurate analyses could compound the problem leading to years of setbacks. We believe all parties want the best for the watersheds as that is what is best for the region to sustain a strong, growing economy while protecting our natural resources. If the tools to determine necessary improvements are not the best practical, the EPA risks the possibility of asking our communities to spend millions of dollars on improvements only

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to find out later that the goals of all involved were not achieved. That would be the worst possible outcome. Northwest Arkansas emphasizes that the concerns outlined below need to be addressed before either model is used to guide decisions in the watersheds. We have listened closely to the comments made by parties who have received the EPA's model-related training, and we are extremely concerned about the accuracy and viability of both models. It is apparent the models have significant shortcomings that will drastically affect the outcomes as we move forward in the Total Maximum Daily Load (TMDL) process. Northwest Arkansas pleads with EPA to be responsible and thoroughly review all comments from all parties.

This letter does not address all comments Northwest Arkansas has heard, but the following is a short list of comments we feel carry significant weight.

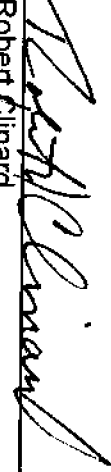
1. The Illinois River and Lake Tenkiller models do not account for the Northwest Arkansas Conservation Authority (NACA) wastewater treatment plant. It is absolutely critical that the models include that information, and we would ask the EPA to ensure that NACA's data be incorporated into the models. The plant has been in operation for more than five years, and the huge investment into the facility by Northwest Arkansas communities make its impact on water quality worthy of inclusion.
2. It is imperative that the models give credit to cities in Northwest Arkansas for wastewater treatment plants that are discharging less phosphorus than a decade ago. Using wastewater plant discharge data from 2009 as a "baseline" for the models is appropriate, but it is also necessary for the NACA plant's inputs that started occurring after 2009 to be included.
3. Cities in Northwest Arkansas could have delayed wastewater treatment improvements until after the TMDL models were complete and after a total phosphorus TMDL was known. Instead, the cities chose the right path, continuing to reduce phosphorus discharges into streams over the past several years. It is imperative that the models not penalize cities for reducing phosphorus discharges while the TMDL models were in development.
4. There are significant inaccuracies regarding assumptions about poultry litter, nitrogen fertilizers, legacy phosphorus, hydrology, underground springs and land use. For example, and without limitation, the lake model does not accurately reflect the drought conditions or nutrient inputs in 2005 and 2006. If left as is, that inaccuracy and other inaccuracies will cause the models and model scenarios to be hopelessly skewed.
5. We fear there also could be inaccuracies regarding septic tanks, and the nutrient inputs of wild animals and cattle. Each of these must be accounted for in the fullest way possible to ensure that all sources of nutrients are included in the models and characterized appropriately.


The TMDL and the model-related work you are doing are extremely important to the future of the state of Arkansas and to eastern Oklahoma residents who rely on a strong Northwest Arkansas region for job opportunities. We want to ensure that we focus our resources on areas that are identified by sound science and accurate modelling instead of wasting our resources at the expense of the environment and ultimately the region. Northwest Arkansas intends to watch the TMDL process closely and interject as needed to ensure the models are as accurate and useful as possible to properly guide decisions ensuring goals are achieved. Please provide a written response to this letter explaining how EPA intends to address our concerns as well as others.


Northwest Arkansas hopes the EPA will act responsibly and consider the unjust ramifications of moving forward with watershed models that have significant fundamental flaws.


Thank you for your consideration of these comments. Please feel free to contact Northwest Arkansas if you have any questions or wish to further discuss any comments.


Respectfully,



Robert Clinard
Benton County Judge


Lionel Jordan
City of Fayetteville Mayor


Greg Hines
City of Rogers Mayor


Marilyn Edwards
Washington County Judge


Doug Sprouse
City of Springdale Mayor


Bob McCaslin
City of Bentonville Mayor

